

1
2
3
4
5
6 DISTRICT COURT OF GUAM
7 TERRITORY OF GUAM
8
9

10 JULIE BABAUTA SANTOS, *et al.*,

Civil Case No. 04-00006

11 Plaintiffs,

12 vs.

ORDER

13 FELIX A. CAMACHO, *et al.*,

14 Defendants.

15 CHARMAINE R. TORRES, *et al.*,

Civil Case No. 04-00038

16 Plaintiffs,

17 vs.

18 GOVERNMENT OF GUAM, *et al.*,

19 Defendants.

21 MARY GRACE SIMPAO, *et al.*,

Civil Case No. 04-00049

22 Plaintiffs,

23 vs.

24 GOVERNMENT OF GUAM,

25 Defendant,

26 vs.

27 FELIX P. CAMACHO, Governor of Guam,

28 Intervenor-Defendant.

1 Presently the hearing on attorneys' fees is scheduled for October 22, 2007. However, the
2 court must vacate that hearing date. The court cannot determine the reasonableness of the fees
3 requested by Attorney Peter Perez when the billing statements are all redacted. Counsel fails to
4 provide authority that such information would be privileged under the circumstances. Counsel for
5 the Objectors have also filed a Motion to Place Exhibits Under Seal concerning their detailed time
6 records.

7 In addition, Attorney Michael Phillips has indicated that he did not prepare
8 contemporaneous billing statements when he performed work on this case. The court is troubled
9 that counsel did not keep time sheets. However, from the record alone, the court believes that
10 counsel spent a great deal of time on this case. For that reason, the court will give counsel an
11 opportunity to reconstruct time records to the best of his ability.

12 The court is greatly concerned with the inadequacy of the documents filed at the last
13 minute. The fairness hearing was held on September 20, 2007. At that time the court set a briefing
14 schedule for counsel to provide detailed billing statements to the court on October 5, 2007.
15 Attorney Phillips requested an additional extension of a week to file his billing statement. The
16 court granted his request and permitted all counsel to file their statements on October 12, 2007.
17 On October 12, 2007, the court received inadequate and incomplete information making it
18 impossible for the court to proceed with the hearing as scheduled. The parties should have
19 resolved the issue of redaction, *in camera* review or the sealing of billing records well before the
20 filing date of October 12, 2007. Attorney Phillips knew when he asked for an extension of time
21 that he had no billing records to compile. He should have previously requested from the court how
22 he should proceed.

23 In light of the parties' filings the court must now issue a new scheduling order:

24 1) All parties will brief the issue, with legal authority, on whether redaction, *in*
25 *camera* review, or sealing of the detailed billing records is appropriate under the circumstances.
26 The parties should also brief the issue of whether the other parties should be permitted to review
27 such records. All such briefing shall be filed by noon on October 17, 2007.

28 2) Mr. Phillips shall file reconstructed time records to the best of his ability by noon on

1 October 30, 2007.¹

2 3) Any Response by the Government of Guam to the billing statements shall be filed by
3 noon on November 5, 2007.

4 4) The hearing on the Attorneys' Fees is scheduled for November 20, 2007 at 9:30 a.m.

5

6 **So ORDERED.**



7
8 /s/ **Frances M. Tydingco-Gatewood**
9 Chief Judge
10 Dated: Oct 15, 2007

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

¹Any court ruling concerning redaction, *in camera* review or sealing of billing records will apply as well to his records.